

HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 7060 (S/S) OF 2001

1. Deepak Singh s/o Sri Veer Singh Rawat,
R/o Gram Thati Barrama Post, Munna Dewal,
Rudra Prayag.
2. Ummedu Lal S/o sri pounu Lal,
R/o gram Thati Munna Dewal Charti, Post-Munna
Dewal, via-Tilwara, Rudra Prayag
3. Vijay Singh, s/o sri Kalam Singh
R/o gram Scaim Patti Barrama, post office,
Dangwal Gaun, via-Agast Munni, Rudra Prayag,
4. Bhagwan Singh s/o late Shobat Singh,
R/o Gram Scaim Patti, Barrama, Post Office,
Dangwal Gaun, Via-Agast Munni, Rudra Prayag.
5. Data Ram, s/o Maya Ram
R/o village & post office, Munna Dewal,
Via-Tilwara, Distt. Rudraprayag.....petitioners.

Versus

1. State of Uttaranchal, through Secretary, Education,
Sachiwalaya Bhavan, Dehradun.
2. Principal, District Education and Training Institute,
Rudra Prayag. Respondents

Mr. Khalil Ahmad, Advocate, Counsel for the petitioners

Standing Counsel for the respondents.

Dated 10.7.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Khalil Ahmad, Advocate counsel for
the petitioner Standing Counsel for the respondent
No. 1,2, &3, and Sri Sudhir Singh, Advocate, counsel
for the for the N.C.T.E.

By the present writ petition, the petitioners have prayed for a writ of certiorari quashing the advertisement regarding the educational qualification a contained therein.

According to the case of petitioners they are permanent resident of District Rudra Prayag, Uttaranchal and have obtained the degree of C.P.Ed. from Bhartiya Saririk Shiksha Mahavidyalay, Hanuman Vyayam Nagar, Amrawati, Maharashtra.

Accordingly to the case of the petitioners, petitioner no. 1 has completed his C.P.Ed. course in the year 1998, petitioner no.2 in the year 1998, petitioner no.3 in the year 1998, petitioner no.4 in the year 1998, and the petitioner no.5 in the year 1998 from the Amrawati, Maharashtra.

The petitioners have submitted that in pursuance of the advertisement made on 28.08.2001 issued by the Uttaranchal Government regarding the special B.T.C. training course, the petitioners have applied for the same. The petitioners have stated they have filed their representations as Annexure-7 to the writ petition, but the same has not been considered.

A counter affidavit has been filed, wherein paragraph-8 it has been stated that the petitioners have

not obtained the requisite qualifications for applying the special B.T.C. training course, and they are not entitled for the same. In paragraphs-8 of the counter-affidavit it has been stated that the petitioners have not obtained the requisite qualifications for applying the special B.T.C. training course, and they are not entitled for the same.

Similar matter came up for disposal in Writ Petition No. 780 (S/SO of 2005, Km. Usha Rawat and others Vs. State of Uttaranchal and others. It has been observed in the aforesaid judgment that in pursuance of the Government Notification dated 23.11.2001 after 1996-97 the institution itself has been de-recognized. The observations are quoted below :-

“Petitioners have passed out their C.P.Ed. after 1997 from Maharashtra. Learned counsel for the petitioners has submitted that petitioners had been admitted in the year 1997-98 and so they are entitled to get the benefit of Government order dated 23.11.2001.

Arguments of the learned counsel for the petitioner are misconceived. In the Government order it is very clearly mentioned that candidate must pass out in the year 1997 meaning thereby the session 1996-97. According to this clause IV of the Government Order dated 23.11.2001 petitioners are not eligible to be admitted in Special B.t.c.

course in the State of Uttaranchal. It has also not shown in any Government Order that the institution from which the petitioners have passed is recognized for C.P.Ed. course in Uttaranchal for admission in Special BTC. Meaning thereby C.P.Ed. of Mararastra has no equivalence to C.P.ED. of Uttaranchal for making them eligible for Special BTC.

Learned counsel for the petitioners has submitted that respondent no.5 Ms. Devki, is the batch mate of petitioners and has passed C.P.Ed. with petitioners from the same Institution and she has been admitted for Special BTC course. Ms. Devki was also denied admission by the State Government in view of Clause IV of the Government Order dated 23.11.2001 but Ms. Devki obtained order of this Court fro provisional admission, accordingly, she has passed the Special BTC and declared successful. Now, she is employed. The said parity cannot be granted to the petitioners as Clause IV of the said Government Order dated 23.11.2001 was not in the notice of this court which clearly debarred those candidates, who have completed their C.P.Ed. from out of State after the year 1997. It is settled law that Article 14 cannot be invoked on the ground of mistake, therefore, the contention of the petitioners that Article 14 is violated because of admission of Ms. Devki has no merit.

For the reasons recorded above, writ petition lacks merit, hence dismissed. Interim order, if any, stands discharge. Accordingly, present application for modification is also dismissed.”

In **State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya, 2006 A.I.R., SCW 2048**, it has been held as under :-

“it is thus clear that the Central Government has considered the subject of Secondary Education and Higher Education at the national level. The Act of 1993 also requires Parliament to consider Teacher Education System ‘throughout the country’. NCTE, therefore in our opinion, is expected to deal with applications for establishing new B.Ed. colleges or allowing increase intake capacity, keeping in view 1993 Act and planned and co-ordinated development of teacher-education system in the country.”

In view of the above, the petitioners shall be entitled for the relief only in the event condition framed by the National Council for Teacher Education is followed.

In view of the Government order derecognizing the institution itself, no relief can be granted to the petitioners.

Writ petition lacks merit and is dismissed. No order as to costs.

10.7.2006

(Rajesh Tandon, J.)